

FEB 24 2012

NO FEE ENCLOSED

BEFORE THE
PROFESSIONAL FIDUCIARIES BUREAU
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of:)	Case No.
)	
DANIEL J. LANAHAH)	STIPULATED SETTLEMENT
)	FOR A PROBATIONARY LICENSE
Applicant for a Professional)	
Fiduciary License)	
_____)	

- 1) Daniel J. Lanahan, applicant for a professional fiduciary license (hereinafter "applicant"), and the California Department of Consumer Affairs' Professional Fiduciaries Bureau (Bureau) of California, hereby stipulate as follows:
- 2) The applicant has satisfactorily met all requirements to test for a professional fiduciary.
- 3) On August 3, 2011, the applicant submitted an application for a professional fiduciary license in the State of California. A violation occurred when he answered "no" to the question related to criminal history in PART 6 of the licensing application. Making a false statement of fact required to be revealed on the application is a violation of Section 480 (c) of the Business and Professions Code. The applicant's failure to disclose this criminal conviction on his license application is cause for denial pursuant to Business and Profession Code sections 480(c) and 6584(c)
- 4) Pursuant to Business and Professions Code sections 144 and 6584, applicant submitted fingerprints via LiveScan to the California Department of Justice for a criminal background check to be reviewed by the Bureau. A review of the applicant's criminal history information prepared by the California Department of Justice indicates that he has a criminal conviction of Penal Code Section 415(3) that prohibits a person from using offensive words in a public place which are inherently likely to provoke an immediate violent reaction. In a letter of explanation the applicant provided to the Bureau on November 29, 2011, he stated that in December 1992, he received what he thought was a ticket for drinking a bottle of beer while talking to some people outside of a bar/restaurant awaiting a trust client. This act is cited as a cause for denial based on Business and Professions Code section 480(a) (1) and is substantially related to the job of a professional fiduciary.
- 5) Pursuant to Section 6582 .2 of the Business Professions Code, the Bureau may enter into settlement with an applicant instead of the issuance of a statement of issues against the applicant. As such, given the fact the conviction occurred over 19 years ago, pursuant to Business and Professions Code 6582.2, the applicant is offered the opportunity to accept a proposed stipulation for a probationary license without a formal hearing.
- 6) The applicant acknowledges he has the right to request a Statement of Issues and a hearing upon denial of license for cause. Applicant waives notice of hearing and judicial review in favor of this Stipulation for a Probationary License, which is subject to approval by the Bureau. If not approved, this Stipulation is null and void and may not be used for any purpose.

- 7) This stipulation for a probationary license shall be considered discipline and a public record and shall be posted on the Bureau's Internet Web site as required pursuant to Business and Professions Code section 6582.2.

A professional fiduciary license shall be issued with terms and conditions of probation pursuant to the following order:

ORDER

IT IS ORDERED that, within one week of the effective date of this order, the Bureau shall provide the applicant, David J. Lanahan with the authorization to take the federal and state portions of the California Professional Fiduciary Examination. Upon applicant having successfully taken and passed both the federal and state portions of the California Professional Fiduciary Examination, the applicant, will be issued a professional fiduciary license on a probationary basis, subject to the following terms and conditions:

- 1) Applicant is placed on probation for two (2) years subject to the following terms and conditions:
- 2) **Obey all laws:** Applicant shall obey all federal, state and local laws, and all rules and regulations governing the practice of a professional fiduciary in California. A full and detailed account of any and all violations of law shall be reported by applicant to the Bureau in writing within 72 hours of occurrence. If licensee is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.
- 3) **Comply with probation:** Applicant shall fully comply with the terms and conditions of probation imposed by the Bureau and shall cooperate with representatives of the Bureau or its designee in its monitoring and investigation of applicants compliance with probation terms and conditions.
- 4) **Submit written reports:** During the period of probation, applicant shall submit written quarterly reports, under penalty of perjury, as required by the Bureau. These reports shall contain statements relative to applicant's compliance with all the conditions of probation, and other information as required by the Bureau.
- 5) **Tolling of probation:** in the event applicant should leave California to reside or practice outside of the state, applicant must notify the Bureau in writing of the dates of departure and return. Periods of non-California residency or practice outside of the state shall not apply to reduction of the probationary period. No obligation imposed as a condition of probation shall be suspended or otherwise affected by such period of out-of-state residency or practice except with the written permission of the Bureau.
- 6) **Maintain valid license:** Applicant shall, at all times, maintain an active current license with the Bureau including any period of suspension or period in which probation is tolled.
- 7) **License surrender:** During applicant's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, applicant may surrender his license to the Bureau. The Bureau reserves the right to evaluate applicant's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license, the applicant will no

longer be subject to the conditions of probation. Surrender of applicant's license shall be considered a disciplinary action and shall become a part of applicant's license history with the Bureau.

- 8) **Violation of probation:** If applicant violates the conditions of his probation, the Bureau, after giving applicant notice and an opportunity to be heard, may set aside the order and impose revocation of applicant's license. If during the period of probation, an accusation or petition to revoke probation has been filed against applicant's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against applicant's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Bureau.
- 9) **Completion of probation:** Upon successful completion of probation, applicant's license shall be fully restored.

Applicant agrees to comply with the terms and conditions of the above Order.

Daniel J. Lanahan
Daniel J. Lanahan, Applicant

2/25/12
Date

Doreatha Johnson
Doreatha Johnson
Deputy Director, Legal Affairs
Department of Consumer Affairs

3/8/12
Date